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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/714,541	11/14/2003	Alexander G. Gibson	13938-E	2536
7590 LAW OFFICE OF DOUGLAS E. MCKINLEY, Jr. P.O. BOX 202 RICHLAND, WA 99352			EXAMINER ROBINSON, GRET A LEE	
			ART UNIT 2169	PAPER NUMBER
			MAIL DATE 05/19/2009	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/714,541

**Applicant(s)**

GIBSON ET AL.

**Examiner**

Greta L. Robinson

**Art Unit**

2169

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 May 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) 23-28 and 32 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 and 29-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SI/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on May 01, 2009 has been entered.
2. Claims 1-32 are pending in the present application. Claims 1, 9, 15-22 and 31 have been amended. Claims 23-28 and 32 have status withdrawn.

***Claim Rejections - 35 USC § 101***

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 1-8 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Independent claim 1 is directed to a *process*, however in order to be in compliance with 37 CFR 101 a process claim must (1) be tied to another statutory class (such as a particular apparatus) or (2) transform underlying subject matter (such as an article or materials) to a different state or thing. If neither of

these requirements are met by the claim, the method is not a patent eligible process under § 101 and should be rejected as being directed to non-statutory subject matter. In the present case the claim does not positively tie the statutory class to a particular hardware element which would make the method steps tangible and does not transform the underlying data. Claims 2-8 are rejected based on dependency. MPEP § 2106.IV.B. *In re Bilski*.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 1-22 and 29-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Webber US Patent 5,909,570 in view of Lennon US Patent 7,287,018 B2.

Regarding claim 1, **Webber** teaches a method for extracting and converting data from one or more information sources into a common format [note: Abstract "*facilitate conversion between data formats*"; col. 2 lines 60-67 *extracting and converting data* ], comprising:

receiving said information sources [note: Figure 1; col. 6 lines 57-64 "*the inbound computer dataset 2 represents the incoming information from remote sending computer's dataset that is to be received and processed by the host computer*" ];

receiving at least one pattern descriptor selected from a graphical user interface [note: col. 7 lines 9-38 *field descriptions 400 (parameters needed for mapping)* ];

receiving one or more templates, each of said templates having said at least one pattern descriptor [note: col. 6 line 65 through col. 7 line 9 "*the template mapping system 10 of the present invention, and is thereby restructured and reformatted to be compatible with receiving*" ];

applying said one or more templates to said information sources [note: col. 7 lines 39-45 *mapping template rules*];

generating said data in a common format by parsing said information sources with a universal parsing agent that utilizes said one or more templates [note: col. 7 lines 39-51; col. 4 lines 23-49, col. 13 lines 23-49; column 6 line 57 through column 7 line 21

"inbound data set is processed by the template mapping system 10" to reconstruct and reformat data into compatible form by direct access software 20 (i.e. parsing agent) );  
and

storing said data in said common format [note: col. 7 lines 39-51; col. 4 lines 23-49, col. 13 lines 23-49 ]. Although Weber teaches the invention as cited above, they do not explicitly teach that the pattern descriptor is selected. Lennon teaches pattern descriptors are selected as a tool to perform processing such as transformations, presentations, etc. [see: column 15 line 65 through column 16 line 17]. It would have been obvious to one of ordinary skill at the time of the invention to have combined Lennon with Weber because Lennon further shows options based on rule processing on how an application selects a particular descriptor.

Regarding claims 2-3, "wherein storing said data in said common format, said method further comprises communicating said data to an application configured to process said common format ... wherein said application is a database application" [note: Weber col. 5 lines 48-65 *EDI Application* ].

Regarding claim 4, "wherein said common format for said structured data is an Extensible markup Language (XML) format [note: Weber Figure 14; col. 2 lines 16-54 *custom formats allow for conversion and exchange of information* ].

Regarding claims 5 and 6, "generating one or more templates by selecting a file from said information sources, and having a user select one or more pattern descriptors to describe said file ...further comprising permitting said user to define said one or more pattern descriptors" [note: Weber Figures 1-3, col. 9 lines 5-12 rules define how data will be processed; col. 10 lines 3-7; also note col. 14 lines 32-67 ].

Regarding claim 7, "wherein before receiving and said one or more templates, said method further comprises permitting said user to select one or more templates from a template library" [note: Weber col. 9 lines 5-12 *process rules 50* ].

Regarding claim 29, "wherein the information sources are selected from the group of structured information sources, semi-structured information sources, unstructured information sources and combination thereof [note: Weber col. 4 lines 20-49; col. 9 lines 53-60 *may be configured to work with select data types* ].

The limitations of claims 9-13, 15-18, 20, 30 and 31 have been addressed above in claims 1-4, 7 and 29; therefore they are rejected under the same rationale.

7. Regarding claims 8, 14 and 22 Webber US Patent 5,909,570 in view of Lennon US Patent 7,287,018 B2 teach the following:

Webber teaches the invention substantially as applied to claim 1; however regarding claim 8, they do not explicitly teach storage bins consisting of an input bin, a

wait bin, an incomplete bin, and complete bin". Lennon teaches descriptors can be complex data types that can be represented in a hierarchical fashion such as in bins [see: col. 15 lines 51-64]. Lennon et al. teaches the descriptors may be extended based on the existence or absence of stored descriptors [see: col. 15 line 64-col. 16 line 16]. It would have been obvious to one of ordinary skill at the time of the invention to have combined Lennon et al. with Webber because various storage bins would provide a means of converting and transforming information into a compatible format.

The limitations of claims 14 and 22 have been addressed above in claim 8; therefore they are rejected under the same rationale.

### ***Response to Arguments***

8. Applicant's arguments with respect to claims 1-22 and 29-31 are have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Lawrence et al. US Patent 6,738,780 B2



10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greta L. Robinson whose telephone number is (571)272-4118. The examiner can normally be reached on M-F 9:30AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tony Mahmoudi can be reached on (571)272-4078. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Greta L. Robinson/  
Primary Examiner, Art Unit 2169  
May 18, 2009